

**RECEIVED**  
STATESVILLE, NC IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
**NOV 28 2005** **STATESVILLE DIVISION**

Clerk, U. S. Dist. Court  
W. Dist of N. C.

R.J. Reynolds Tobacco Company,

**Plaintiff,**

vs.

Market Basket Food Stores, Inc., *et al.*

## Defendants.

**Civil Action No. 05CV253**

**AGREED ORDER OF DISMISSAL WITH PREJUDICE OF  
DEFENDANTS JAMES CRUMP AND HOLIDAY FOODS**

The Court considered the Joint Motion to Dismiss of Plaintiff R.J. Reynolds Tobacco Company (hereinafter “RJRT”) and Defendants James Crump and BCW Properties, Inc., d/b/a Holiday Foods (hereinafter the “Holiday Foods Defendants”) brought under Federal Rule of Civil Procedure 41(a)(2), and acknowledges that all matters among those parties which were or could have been asserted in the above-referenced lawsuit have been resolved by agreement between them.

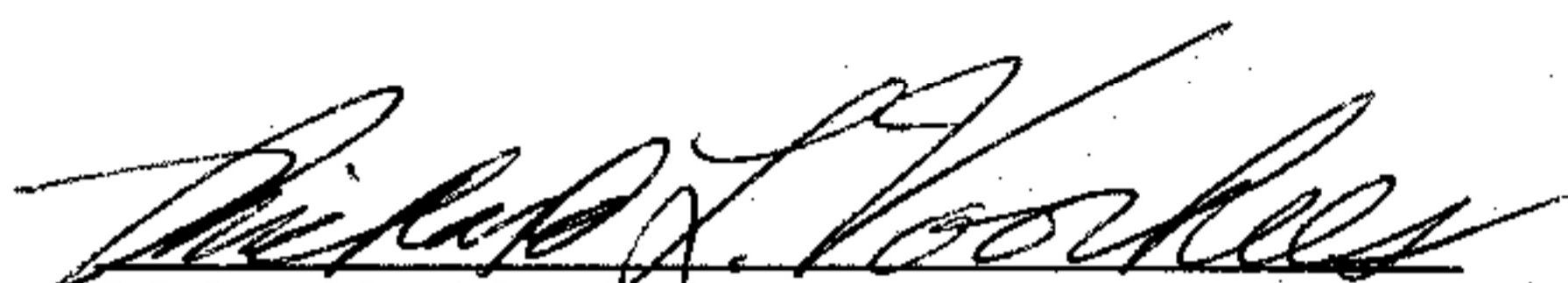
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that all causes of action or claims asserted by RJRT against the Holiday Food Defendants in the above-referenced lawsuit, or which could have been asserted by RJRT against the Holiday Foods Defendants, or vice versa, are dismissed with prejudice.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that this order does not dismiss RJRT's claims against the remaining Defendants in this action, all such claims being expressly reserved by RJRT.

DOCUMENT  
SCANNED

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, as between RJRT and the Holiday Foods Defendants, each party shall be responsible for their respective costs and legal fees.

This 12<sup>th</sup> day of Dec., 2005.



Richard L. Voorhees  
United States District Judge

AGREED AS TO FORM AND CONTENT:

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